IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.742 OF 2004

IN

SUIT NO.2743 OF 1996

...

Shri Ramakant Damodar Patil ...Plaintiff

v/s.

Shri Kisan Eknath Sandge ...Defendant

...

Ms.D.P.Bosamia for the Plaintiff.

Mr.D.B. Parab for the Defendant.

...

CORAM: D.K.DESHMUKH, J.

DATED: 2nd December,2004

P.C.:

This Notice of Motion is taken out by the Defendant for setting aside exparte decree passed by this Court on 11-2-1997. There is a delay of more than seven

years.

2. The only explanation for the delay is to be found in paragraph 5 of the affidavit. That explanation is "I could not file an application for setting aside the said exparte decree passed on 11-2-1997 due to my financial condition".

3. It is an admitted position before me that the Defendant is in the service of Bombay Municipal Corporation. No other details are given as to what is the pay of the Applicant, how many members he has to maintain etc. In the absence of any such details, vague allegations cannot be accepted, and delay cannot be condoned. Notice of Motion is, therefore, disposed of.

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